

REMARKS

The present Response is being filed under a Certificate of Mailing as indicated. Claims 1, 2, 7, 10, 11, 15, 18-19 and 23 remain pending. Claims 1, 10, 18 and 23 have been amended. Claims 3-6, 8-9, 12-14, 16-17, 20-22 have been withdrawn. Claim 24 has been cancelled.

35 USC §102

Claims 1, 2, 7, 10, 11 and 15 were rejected as being anticipated by U.S. Patent No. 5,471,756 (“Bolanos”). Independent claims 1 and 10 have been amended to recite that the contact area has an outer periphery, “that has a circumference,” and that “the relief area is recessed from the outer periphery of the contact area, such that the relief area interrupts the outer periphery of the contact area, and the relief area does not extend around the entire circumference of the outer periphery.” As shown in various figures of the specification, the contact area 122 includes an outer periphery that contacts the medullary canal. The relief area 124 is carved from the contact area 122, such that the relief area 124 is recessed from the outer periphery and interrupts the outer periphery of the contact area. Also, as shown in the figures, the relief area 124 does not extend around the entire circumference of the outer periphery.

Bolanos does not disclose such a device. As stated in the Office Action, the substantially cylindrical portion 142 corresponds to the contact area of the presently claimed invention and the frustoconical joining region 144 corresponds to the relief area. However, the frustoconical joining region 144 extends around the entire circumference of the outer periphery. Therefore, Bolanos cannot anticipate claims 1, 10, and their dependents.

35 USC §103

Claims 18, 19, 23 and 24 were rejected as being unpatentably over U.S. Patent No. 5,314,493 (“Mikhail”) in view of Bolanos, et al in view of Kolb. Independent claims 18 and 23 also include the limitations that the contact areas include an outer periphery, having a circumference, and that the relief area is recessed from the outer periphery of the contact area, such that the relief area interrupts the outer periphery of the contact area, and that the relief area does not extend the entire circumference of the outer periphery. Therefore, for the reasons stated above, Bolanos does not disclose this limitation. Also, Mikhail does not

disclose such features either. Therefore, claims 18, 23 and their dependents are believed to be allowable.

Conclusion

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1, 2, 7, 10, 11, 15, 18-19 and 23 are currently in condition for allowance. A Notice of Allowance is respectfully requested.

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Date: 3/20/2009